

**17-50-302 General county powers.**

- (1)
- (a) Except as provided in Subsection (1)(b), a county may:
    - (i) as prescribed by statute:
      - (A) levy a tax;
      - (B) perform an assessment;
      - (C) collect a tax;
      - (D) borrow money; or
      - (E) levy and collect a special assessment for a conferred benefit; or
    - (ii) provide a service, exercise a power, or perform a function that is reasonably related to the safety, health, morals, and welfare of county inhabitants, except as limited or prohibited by statute.
  - (b) A county or a governmental instrumentality of a county may not perform an action described in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a function described in Subsection (1)(a)(ii) in another county or a municipality within the other county without first entering into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or other contract with the other county to perform the action, provide the service, exercise the power, or perform the function.
- (2)
- (a) A county may:
    - (i) sue and be sued;
    - (ii) subject to Subsection (2)(c), acquire real property by tax sale, purchase, lease, contract, or gift, and hold the real property as necessary and proper for county purposes;
    - (iii)
      - (A) subject to Subsection (2)(b), acquire real property by condemnation, as provided in Title 78B, Chapter 6, Part 5, Eminent Domain; and
      - (B) hold the real property as necessary and proper for county purposes;
    - (iv) as may be necessary to the exercise of its powers, acquire personal property by purchase, lease, contract, or gift, and hold such personal property; and
    - (v) manage and dispose of its property as the interests of its inhabitants may require.
  - (b)
    - (i) For purposes of Subsection (2)(a)(iii), water rights that are not appurtenant to land do not constitute real property that may be acquired by the county through condemnation.
    - (ii) Nothing in Subsection (2)(a)(iii) may be construed to authorize a county to acquire by condemnation the rights to water unless the land to which those water rights are appurtenant is acquired by condemnation.
  - (c)
    - (i) Except as provided in Subsection (2)(c)(iv), each county intending to acquire real property for the purpose of expanding the county's infrastructure or other facilities used for providing services that the county offers or intends to offer shall provide written notice, as provided in this Subsection (2)(c), of its intent to acquire the property if:
      - (A) the property is located:
        - (I) outside the boundaries of the unincorporated area of the county; and
        - (II) in a county of the first or second class; and
      - (B) the intended use of the property is contrary to:
        - (I) the anticipated use of the property under the general plan of the county in whose unincorporated area or the municipality in whose boundaries the property is located; or
        - (II) the property's current zoning designation.

- (ii) Each notice under Subsection (2)(c)(i) shall:
  - (A) indicate that the county intends to acquire real property;
  - (B) identify the real property; and
  - (C) be sent to:
    - (I) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and
    - (II) each affected entity.
- (iii) A notice under this Subsection (2)(c) is a protected record as provided in Subsection 63G-2-305(8).
- (iv)
  - (A) The notice requirement of Subsection (2)(c)(i) does not apply if the county previously provided notice under Section 17-27a-203 identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.
  - (B) If a county is not required to comply with the notice requirement of Subsection (2)(c)(i) because of application of Subsection (2)(c)(iv)(A), the county shall provide the notice specified in Subsection (2)(c)(i) as soon as practicable after its acquisition of the real property.

Amended by Chapter 445, 2013 General Session